

Article 9. ADMINISTRATOR CERTIFICATION TRAINING PROGRAMS**84090 INITIAL CERTIFICATION TRAINING PROGRAM
APPROVAL REQUIREMENTS****84090**

- (a) Initial Certification Training Programs shall be approved by the Department prior to being offered to applicants seeking certification.
- (b) Any vendor applicant seeking approval of an Initial Certification Training Program shall submit a written request to the Department. The request shall contain the following:
 - (1) Name, address and phone number of the vendor applicant requesting approval and the name of the person in charge of the program.
 - (2) Subject title, classroom hours, proposed dates, duration, time, location and proposed instructor of each component.
 - (3) Written description and educational objectives for each component.
 - (4) Qualifications of each proposed instructor as specified in Section 84090(i)(6).
 - (5) Geographic areas in which the Training Program will be offered.
 - (6) Types of records to be maintained as required by Section 84090(i)(4) below.
 - (7) A statement of whether or not the vendor applicant held or currently holds a license, certification or other approval as a professional in a specified field and the certificate or license number(s).
 - (8) A statement of whether or not the vendor applicant held or currently holds a community care facility license or was or is employed by a licensed community care facility and the license number.
 - (9) A statement of whether or not the vendor applicant was the subject of any administrative, legal or other action involving licensure, certification or other approvals as specified in (7) and (8) above.
 - (10) A processing fee of one hundred-fifty dollars (\$150).
- (c) Initial Certification Training Program approval shall expire two (2) years from the date the program is approved.
- (d) A written request for renewal of the Initial Certification Training Program shall be submitted to the Department and shall contain the information and processing fee specified in Section 84090(b) above.

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APPROVAL REQUIREMENTS (Continued)****84090**

- (e) If a request for approval or renewal of an Initial Certification Training Program is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
 - (1) The request is deficient, describing which documents or information are outstanding and/or inadequate, and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of notice.
- (f) If the vendor applicant does not submit the requested information within thirty (30) days, the request for approval or renewal shall be deemed withdrawn provided that the Department has not denied or taken action to deny the request.
- (g) Within thirty (30) days of receipt of a complete request for an approval, the Department shall notify the vendor applicant in writing whether the request has been approved or denied.
- (h) The Initial Certification Training Program shall consist of the following components:
 - (1) A minimum of forty (40) classroom hours on a uniform Core of Knowledge with the following basic curriculum:
 - (A) Six (6) hours of instruction in laws, regulations, and policies and procedural standards that impact the operations of the type of facility for which the applicant will be an administrator.
 - (B) Four (4) hours of instruction in business operations.
 - (C) Four (4) hours of instruction in management and supervision of staff.
 - (D) Four (4) hours of instruction in the psychosocial and educational needs of the facility residents.
 - (E) Four (4) hours of instruction in the use of community and support services to meet residents' needs.
 - (F) Two (2) hours of instruction in the physical needs of facility residents.
 - (G) Six (6) hours of instruction in the administration, storage, prevention of misuse and interaction of medication used by facility residents.
 - (H) Six (6) hours of instruction on admission, retention, and assessment procedures, and nondiscrimination policies, including the child's right to fair and equal access to all available services, placement, care, treatment and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

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APPROVAL REQUIREMENTS (Continued)****84090**

- (I) Four (4) hours of instruction on nonviolent, emergency intervention and reporting requirements.

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- (J) Reserved
- (K) Core of Knowledge information will be derived from a variety of sources governing the operation of licensed group homes, including but not limited to, pertinent statutory provisions of the Health and Safety Code, Welfare and Institutions Code, Education Code, Business and Professions Code, Penal Code, and applicable provisions of Title 22 of the California Code of Regulations, Sections 80000 et seq.

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- (2) A standardized test administered by the Department.
- (A) Individuals completing an Initial Certification Training Program must pass the test with a minimum score of seventy percent (70%).
- (B) The test questions shall reflect the hour value of the nine (9) Core of Knowledge areas specified in Sections 84090(h)(1)(A) through (I) above.
- (i) Initial Certification Training Program vendors shall:
- (1) Offer all forty (40) of the classroom hours required for certification.
- (A) A minimum of ten (10) hours of instruction must be provided by an instructor(s) who meets the criteria specified in Section 84090(i)(6)(D).
- (2) Establish a procedure to allow participants to make up any component necessary to complete the program.
- (3) Submit to the Department within seven (7) days of determination the names of individuals who have completed forty (40) hours of classroom instruction.
- (4) Maintain and ensure that written records are available for review by Department representatives. Records shall be maintained for three (3) years. The records shall include the following information:
- (A) Course schedules, dates and descriptions.
- (B) List of instructors and documentation of qualifications of each, as specified in Section 84090(i)(6).

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APPROVAL REQUIREMENTS (Continued)****84090**

- (C) Names of registered participants and documentation of completion of the program.
- (5) Ensure that all classes are open to monitoring and inspection by Department representatives.
- (6) Have instructors who have knowledge and/or experience in the subject area to be taught and who meet the following criteria:
 - (A) Possession of a four (4) year college degree and two (2) years experience relevant to the course(s) to be taught, or
 - (B) Four (4) years experience relevant to the course to be taught, or
 - (C) Be a professional, in a related field, with a valid license to practice in California, or
 - (D) Have at least four (4) years experience in California as an administrator of a group home, within the last eight (8) years, and with a record of administering facilities in substantial compliance, as defined in Section 80001(s)(6).
- (j) Initial Certification Training Program vendors shall allow Department representatives to monitor and inspect training programs.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Section 1 of Assembly Bill (AB) 458 (Chapter 331, Statutes of 2003); Sections 1501, 1522.41, and 1531, Health and Safety Code; and Section 16001.9, Welfare and Institutions Code.

**84090.1 DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL
CERTIFICATION TRAINING PROGRAM****84090.1**

- (a) The Department may deny a request for approval of an Initial Certification Training Program in accordance with Section 1522.41(h)(1) of the Health and Safety Code. The Department shall provide the applicant with a written notice of the denial.

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Section 1522.41(h)(1) of the Health and Safety Code provides in part:

- (h)(1) The Department may deny vendor approval to any agency or person in any of the following circumstances:

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**84090.1 DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL
CERTIFICATION TRAINING PROGRAM (Continued)****84090.1**

HANDBOOK CONTINUES

- (A) The applicant has not provided the Department with evidence satisfactory to the Department of the ability of the applicant to satisfy the requirements of vendorization set out in the regulations adopted by the Department pursuant to Subdivision (j).
- (B) The applicant person or agency has a conflict of interest in that the person or agency places its clients in group home facilities.
- (C) The applicant public or private agency has a conflict of interest in that the agency is mandated to place clients in group homes and to pay directly for the services. The Department may deny vendorization to this type of agency only as long as there are other vendor programs available to conduct the certification training programs and conduct education courses.

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- (b) The applicant may appeal the denial of the application in accordance with Section 1551 of the Health and Safety Code.
- (c) Any request for approval submitted by a vendor applicant whose application has been previously denied shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1520.3(b).

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Health and Safety Code Section 1520.3(b) provides:

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall, except as provided in Section 1569.22, cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

HANDBOOK CONTINUES

**84090.1 DENIAL OF REQUEST FOR APPROVAL OF AN INITIAL
CERTIFICATION TRAINING PROGRAM (Continued)****84090.1****HANDBOOK CONTINUES**

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence.

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NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1520.3(b), 1522.41(h), and 1551, Health and Safety Code.

**84090.2 REVOCATION OF AN INITIAL CERTIFICATION
TRAINING PROGRAM****84090.2**

- (a) The Department may revoke an Initial Certification Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Section 84090 or:
- (1) Is unable to provide training due to lack of staff, funds, or resources, or
 - (2) Misrepresents or makes false claims regarding the training provided, or
 - (3) Demonstrates conduct in the administration of the program that is illegal, inappropriate, or inconsistent with the intent or requirements of the program, or
 - (4) Misrepresents or makes false statements in the vendor application.
- (b) The vendor may appeal the revocation in accordance with Health and Safety Code Section 1551.
- (c) Any application for approval of an Initial Certification Training Program submitted by a vendor applicant whose approval has been previously revoked shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1520.3.

**84090.2 REVOCATION OF AN INITIAL CERTIFICATION
TRAINING PROGRAM (Continued)****84090.2**

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Health and Safety Code Section 1520.3 in pertinent part provides:

(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or for any other provision of law.

(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

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NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1520.3, 1522.41(h) and 1551 Health and Safety Code.

**84091 CONTINUING EDUCATION TRAINING PROGRAM
VENDOR REQUIREMENTS****84091**

- (a) Any vendor applicant seeking approval as a vendor of a Continuing Education Training Program shall obtain vendor approval by the Department prior to offering any course to certificate holders.
- (b) Any vendor applicant seeking approval to become a vendor of a Continuing Education Training Program shall submit a written request to the Department. The request shall contain the following:
 - (1) Name, address and phone number of the vendor applicant requesting approval and the name of the person in charge of the Program.
 - (2) A statement of whether or not the vendor applicant held or currently holds a license, certification, or other approval as a professional in a specified field and the license or certificate number.
 - (3) A statement of whether or not the vendor applicant held or currently holds a community care facility license or was or is employed by a licensed community care facility and the license number.
 - (4) A statement of whether or not the vendor applicant was the subject of any administrative, legal or other action involving licensure, certification or other approvals as specified in Sections 84091(b)(2) and (3) above.
 - (5) A processing fee of one hundred dollars (\$100).
- (c) Continuing Education Training Program vendor approval shall expire two (2) years from the date the vendorship is approved by the Department.
- (d) A written request for renewal of the Continuing Education Training Program shall be submitted to the Department and shall contain the information and processing fee specified in Section 84091(b).
- (e) If the request for approval or renewal of a Continuing Education Training Program is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:

**84091 CONTINUING EDUCATION TRAINING PROGRAM
VENDOR REQUIREMENTS (Continued)****84091**

- (1) The request is deficient, describing which documents or information are outstanding and/or inadequate and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of the notice.
- (f) If the vendor applicant does not submit the requested information above within thirty (30) days, the request for approval or renewal shall be deemed withdrawn, provided that the Department has not denied or taken action to deny the request.
- (g) Within thirty (30) days of receipt of a complete request for an approval or renewal, the Department shall notify the vendor applicant in writing whether the request has been approved or denied.
- (h) Continuing Education Training Program vendors shall:
 - (1) Maintain and ensure that written records are available for review by Department representatives. Records shall be maintained for three (3) years. The records shall include the following:
 - (A) Course schedules, dates and descriptions.
 - (B) List of instructors and documentation of qualifications of each, as specified in Section 84091(h)(2).
 - (C) Names of registered participants and documentation of completion of the courses.
 - (2) Have instructors who have knowledge and/or experience in the subject area to be taught and who meet at least one of the following criteria:
 - (A) Possession of a four (4) year college degree and two (2) years experience relevant to the course(s) to be taught, or
 - (B) Four (4) years experience relevant to the course to be taught, or
 - (C) Be a professional, in a related field, with a valid and current license to practice in California, or
 - (D) Have at least four (4) years experience in California as an administrator of a group home, within the last eight (8) years, and with a record of administering facilities in substantial compliance as defined in Section 80001(s)(6).
- (i) Courses approved for continuing education credit shall require the physical presence of the certificate holder in a classroom setting, except that:

**84091 CONTINUING EDUCATION TRAINING PROGRAM
VENDOR REQUIREMENTS (Continued)****84091**

- (1) The Department may approve courses where technology permits the simultaneous and interactive participation of the certificate holder, provided that such participation is verifiable.
- (j) Any changes to courses previously approved by the Department must be submitted and approved by the Department prior to being offered.
- (k) Continuing Education Training Program vendors shall allow Department representatives to monitor and inspect Training Programs.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Section 1522.41(h), Health and Safety Code.

**84091.1 CONTINUING EDUCATION TRAINING PROGRAM COURSE
APPROVAL REQUIREMENTS****84091.1**

- (a) Any Continuing Education Training Program course shall be approved by the Department prior to being offered to certificate holders.
- (b) Any vendor seeking approval of a Continuing Education Training Program course shall submit a written request to the Department. The request shall contain the following:
 - (1) Subject title, classroom hours, scheduled dates, duration, time, location, and proposed instructor of each course.
 - (2) Written description and educational objectives for each course.
 - (3) Qualifications of each proposed instructor, as specified in Section 84091(h)(2).
 - (4) Types of records to be maintained as required by Section 84091(h)(1).
 - (5) A statement of whether or not the proposed instructor held or currently holds a license, certification or other approval as a professional in a specified field and the license or certificate number.
 - (6) A statement of whether or not the proposed instructor held or currently holds a community care facility license or was or is employed by a licensed community care facility and the license number.
 - (7) A statement of whether or not the proposed instructor was the subject of any administrative, legal or other action involving licensure, certification or other approvals as specified in Sections 84091.1(b)(5) and (6) above.

**84091.1 CONTINUING EDUCATION TRAINING PROGRAM COURSE
APPROVAL REQUIREMENTS (Continued)****84091.1**

- (c) Course approval shall expire on the expiration date of the vendor's Continuing Education Training Program vendorship approval as provided in Section 84091(c).
- (1) To renew a course, the vendor shall submit a written request to the Department which shall contain the information specified in Section 84091.1(b).
- (d) If a request for approval or renewal of a Continuing Education Training Program course is incomplete, the Department shall, within thirty (30) days of receipt, give written notice to the vendor applicant that:
- (1) The request is deficient, describing which documents or information are outstanding and/or inadequate and informing the vendor applicant that the information must be submitted within thirty (30) days of the date of the notice.
- (e) If the vendor applicant does not submit the requested information within thirty (30) days, the request for approval or renewal shall be deemed withdrawn, provided that the Department has not denied or taken action to deny the request.
- (f) Within thirty (30) days of receipt of a complete request for an approval or renewal, the Department shall notify the vendor applicant in writing whether the course has been approved or denied.
- (g) Any changes to previously approved courses must be submitted to the Department for approval prior to being offered.
- (h) Continuing Education Training Program vendors shall allow Department representatives to monitor and inspect Training Courses.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Section 1522.41(h), Health and Safety Code.

**84091.2 ADMINISTRATIVE REVIEW OF DENIAL OF A REQUEST FOR
APPROVAL OF A CONTINUING EDUCATION COURSE****84091.2**

- (a) A vendor may seek administrative review of the denial of course approval as follows:
- (1) The vendor must request administrative review, in writing, within ten (10) days of the receipt of the Department's notice denying course approval.
- (2) The administrative review shall be conducted by a higher-level staff person than the person who denied course approval.

84091.2 ADMINISTRATIVE REVIEW OF DENIAL OF A REQUEST FOR APPROVAL OF A CONTINUING EDUCATION COURSE (Continued) 84091.2

- (3) If the reviewer determines that the denial of course approval was not issued in accordance with applicable statutes and regulations of the Department, or that other circumstances existed, he/she shall have the authority to amend the denial of course approval.
- (4) The decision of the higher-level staff person shall be final.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Section 1522.41(h), Health and Safety Code.

84091.3 DENIAL OF A REQUEST FOR APPROVAL OF A CONTINUING EDUCATION TRAINING PROGRAM 84091.3

- (a) The Department may deny a request for approval of a Continuing Education Training Program in accordance with Health and Safety Code Section 1522.41(h)(1). The Department shall provide the applicant with a written notice of the denial.

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Section 1522.41(h)(1) of the Health and Safety Code provides in part:

- (h)(1) The Department may deny vendor approval to any agency or person in any of the following circumstances:
 - (A) The applicant has not provided the Department with evidence satisfactory to the Department of the ability of the applicant to satisfy the requirements of vendorization set out in the regulations.
 - (B) The applicant person or agency has a conflict of interest in that the person or agency places its clients in group home facilities.
 - (C) The applicant public or private agency has a conflict of interest in that the agency is mandated to place clients in group home facilities and to pay directly for the services. The Department may deny vendorization to this type of agency only as long as there are other vendor programs available to conduct the certification training programs and conduct education courses.

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- (b) The vendor applicant may appeal the denial in accordance with Health and Safety Code Section 1551.
- (c) Any request for approval submitted by a vendor applicant whose application has been previously denied shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1520.3(b).

**84091.3 DENIAL OF A REQUEST FOR APPROVAL OF A CONTINUING
EDUCATION TRAINING PROGRAM (Continued)****84091.3**

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Health and Safety Code Section 1520.3(b) provides:

(b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall, except as provided in Section 1569.22, cease further review of the application as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall cease review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(3) The department may continue to review the application if it has determined that the reasons for the denial of the applications were due to circumstances and conditions which either have been corrected or are no longer in existence.

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NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1520.3(b), 1522.41(h)(1), and 1551 Health and Safety Code.

**84091.4 REVOCATION OF A CONTINUING EDUCATION
TRAINING PROGRAM****84091.4**

- (a) The Department may revoke a Continuing Education Training Program approval and remove the vendor from the list of approved vendors if the vendor does not provide training consistent with Sections 84091 and 84091.1, or:
- (1) Is unable to provide training due to lack of staff, funds, or resources; or
 - (2) Misrepresents or make false claims regarding the training provided; or
 - (3) Demonstrates conduct in the administration of the program that is illegal, inappropriate, or inconsistent with the intent of the program; or
 - (4) Misrepresents or makes false statements in the vendor application.
- (b) The vendor may appeal the revocation in accordance with Health and Safety Code Section 1551.
- (c) Any application for approval of an Continuing Education Training Program submitted by a vendor applicant whose approval has been previously revoked shall be processed by the Department in accordance with the provisions of Health and Safety Code Section 1520.3.

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Health and Safety Code Section 1520.3 in pertinent part provides:

(a)(1) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years have elapsed from the date of the revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or for any other provision of law.

(3) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant was excluded from a facility licensed by the department pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, the department shall cease any further review of the application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code by the department.

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NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1520.3, 1522.41(h), and 1551, Health and Safety Code.

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SUBCHAPTER 1. COMMUNITY TREATMENT FACILITIES**Article 1. GENERAL REQUIREMENTS AND DEFINITIONS****84110 GENERAL****84110**

- (a) Community treatment facilities, as defined in Section 80001(c)(11), shall be governed by the provisions specified in this subchapter. In addition, community treatment facilities, except where specified otherwise, shall be governed by Title 22, Division 6, Chapter 5, Group Homes, Articles 1 through 7, and Chapter 1, General Licensing Requirements.
- (b) In addition to Section 84110(a), community treatment facilities shall be governed by the provisions specified in the California Code of Regulations, Title 9, Chapter 11, Sections 1900 through 1938.

NOTE: Authority cited: Section 1530.9, Health and Safety Code. Reference: Sections 1501, 1502, 1530, 1530.9 and 1531, Health and Safety Code; and Section 4094, Welfare and Institutions Code.

84111 DEFINITIONS**84111**

In addition to Section 84001, the following shall apply:

- (a) (1) "Advocate" means the person or persons authorized to provide advocacy services pursuant to Section 5520 et seq. of the Welfare and Institutions Code.
- (b) (Reserved)
- (c) (1) "Certified" means a community treatment facility that has been approved by the Department of Mental Health as complying with the standards established for that program.
- (2) "Child" means a person under 18 years of age who is seriously emotionally disturbed as defined in Section 5600.3 of the Welfare and Institutions Code, including those individuals 18 through 21 years of age as specified in Section 1924(b) of the California Code of Regulations, Title 9, Chapter 11.

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- (A) Section 1924(b) of the California Code of Regulations, Title 09, Chapter 11, is contained in Handbook Section 84168.2(e).

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84111 DEFINITIONS (Continued)

84111

- (3) "Conservator" means a person appointed pursuant to Section 5350 of the Welfare and Institutions Code. In the event a child has a conservator and a parent(s), the conservator shall take precedence.
- (d) (Reserved)
- (e) (1) "Emergency" as defined in Section 1901(k) of the California Code of Regulations, Title 9, Chapter 11.

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- (A) Title 9, California Code of Regulations Section 1901(k) states:

"'Emergency' means an unforeseen situation that calls for immediate action without time for full deliberation to prevent the physical injury of a child or others or extreme property damage which could result in such injury."

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- (f) (Reserved)
- (g) (Reserved)
- (h) (Reserved)
- (i) (1) "Interagency Placement Committee" (IPC) means a committee established by the county, with a membership that includes at least the county placement agency and a licensed mental health professional from the county department of mental health pursuant to Section 4096(c) of the Welfare and Institutions Code.
- (j) (Reserved)
- (k) (Reserved)
- (l) (1) "Licensed Mental Health Professional" as defined in Section 1901(p) of the California Code of Regulations, Title 9, Chapter 11.

84111 DEFINITIONS (Continued)

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(A) Title 9, California Code of Regulations Section 1901(p) states:

"Licensed mental health professional" means any of the following:

"(1) A psychiatrist;

"(2) A clinical psychologist;

"(3) A licensed marriage, family and child counselor;

"(4) A licensed clinical social worker;

"(5) A licensed registered nurse with a masters or doctorate degree in psychiatric nursing."

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(m) (1) "Mental Health Program Director" means the licensed mental health professional who has been designated by a community treatment facility licensee to oversee and implement the overall mental health treatment program.

(n) (Reserved)

(o) (Reserved)

(p) (1) "Physical Restraint" as defined in Section 1901(v) of the California Code of Regulations, Title 9, Chapter 11.

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(A) California Code of Regulations, Title 9, Section 1901(v) states:

"Physical restraint" means physically controlling a child's behavior. Physical control includes restricting movement by positioning staff, restricting motion by holding, the application of mechanical devices and involuntary placement of a child in a seclusion room or any other room in which they are involuntarily isolated."

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84111 DEFINITIONS (Continued)

84111

(q) (Reserved)

(r) (Reserved)

- (s) (1) "Seclusion" as defined in Section 1901(dd) of the California Code of Regulations, Title 9, Chapter 11.

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- (A) California Code of Regulations, Title 9, Section 1901(dd) states:

"'Seclusion' means the involuntary confinement of a child in a room."

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- (2) "Secure Portion of the Facility" as defined in Section 1901(ee) of the California Code of Regulations, Title 9, Chapter 11.

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- (A) California Code of Regulations, Title 9, Section 1901(ee) states:

"'Secure portion of the facility' means that part of a CTF which has entrances and exits, including windows, which are controlled with locking mechanisms that are inaccessible to the children. Any additional outside spaces and recreational areas that are attached to the facility must similarly be enclosed to preclude egress or ingress from the premises."

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- (3) "Seriously Emotionally Disturbed" as defined in Section 5600.3(a)(2) of the Welfare and Institutions Code.

84111 DEFINITIONS (Continued)

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HANDBOOK BEGINS HERE

- (A) Welfare and Institutions Code Section 5600.3(a)(2) states:

"For the purposes of this part, 'seriously emotionally disturbed children or adolescents' means minors under the age of 18 years who have a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, other than a primary substance use disorder or developmental disorder, which results in behavior inappropriate to the child's age according to expected developmental norms. Members of this target population shall meet one or more of the following criteria:

- "(A) As a result of the mental disorder the child has substantial impairment in at least two of the following areas: self-care, school functioning, family relationships, or ability to function in the community; and either of the following occur:

"(i) The child is at risk of removal from home or has already been removed from the home.

"(ii) The mental disorder and impairments have been present for more than six months or are likely to continue for more than one year without treatment.

- "(B) The child displays one of the following: psychotic features, risk of suicide or risk of violence due to a mental disorder.

- "(C) The child meets special education eligibility requirements under Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code."

HANDBOOK ENDS HERE

(t) (Reserved)

(u) (Reserved)

(v) (Reserved)

84111 DEFINITIONS (Continued)**84111**

(w) (Reserved)

(x) (Reserved)

(y) (Reserved)

(z) (Reserved)

NOTE: Authority cited: Sections 1502, 1530, and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

Article 2. LICENSING (Reserved)**Article 3. APPLICATION PROCEDURES****84118 APPLICATION FOR LICENSE 84118**

- (a) In addition to Section 84018, with the exception of Sections 84018(b)(2) and (3), the following shall apply.
- (b) Prior to licensure each applicant shall submit to the Department evidence of a current community treatment facility mental health program certification, which shall be signed by an authorized representative of the Department of Mental Health.

NOTE: Authority Cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501, 1520, and 1531, Health and Safety Code; and Section 4094(b), Welfare and Institution Code.

84120 FIRE CLEARANCE 84120

- (a) In addition to Section 80020, the following shall apply:
- (b) The applicant shall notify the Department if the facility plans to use the following:
 - (1) Mechanical restraint devices.
 - (2) Seclusion room(s).

NOTE: Authority Cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 4094.5(d), Welfare and Institutions Code.

84122 PLAN OF OPERATION 84122

- (a) In addition to Section 84022, the following shall apply.
- (b) The plan of operation shall include the following:
 - (1) A utilization review plan and program to monitor the appropriateness of a child's admission and continued stay or discharge, and to establish the basis for identifying and assessing the utilization of mental health program services and continued need for placement.

84122 PLAN OF OPERATION (Continued)**84122**

- (A) The utilization review plan shall include a description of the procedures to be used by the facility to determine the placement, continued stay, or transfer of a child into either the secure or nonsecure portion of the facility.
- (B) These procedures shall include documentation of approval of the proposed change of a child's placement within the facility and continued stay.
- (2) A description of the array of mental health treatment services that can be made available to a child during their placement with the community treatment facility.
- (3) A listing of and copies of all agreements, contracts, or memorandums of understanding with participating private or public mental health and health providers.
- (4) A quality assurance program designed to enhance services and care through an objective assessment of the facility's overall programs to ensure the correction of identified problems.
 - (A) The quality assurance program shall include procedures for insuring the accountability of the facility's licensed mental health professional(s) and child care workers for the services and care provided to residents of the facility, and implementation of indicated changes.
- (5) The name of the proposed mental health program director and his or her professional license number(s).
- (6) A description of procedures and policies which shall include:
 - (A) Policies and procedures for the daily recording of observations and interactions with each child, psychotropic medication control, monthly review of each child's needs and services plan, and seclusion and restraint procedures.
 - (B) Procedures for ensuring a child's due process rights as specified in Section 84172(c).
 - (C) Policies and procedures for providing access to community resources to be utilized, as necessary, in the delivery of prescribed services, including medical and crisis intervention, inpatient psychiatric hospitalization, and education placements and classes.
- (7) A written plan for the orientation, continuing education, on-the-job training, supervision, and evaluation of staff as required by Section 84165(f).

84122	PLAN OF OPERATION (Continued)	84122
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- (8) A written plan for activities as specified in Sections 84079(a) through (a)(5).
- (9) A written description of the facility's security features and procedures.

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 1919, Title 9, Chapter 11, Article 5, California Code of Regulations.

84128	CAPACITY DETERMINATION	84128
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- (a) In addition to Section 80028, the following shall apply.
- (b) A license for a community treatment facility shall not exceed the Department of Mental Health's certification of specified number of beds.

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Section 4094.7(b), Welfare and Institutions Code; and Section 1531, Health and Safety Code.

84134	SUBMISSION OF NEW APPLICATION	84134
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- (a) In addition to Section 80034, the following shall apply.
- (b) The Department may only approve capacity increases that have been approved by the Department of Mental Health.

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Section 1531, Health and Safety Code; and Section 4094.7(b), Welfare and Institutions Code.

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Article 4. ADMINISTRATIVE ACTIONS**84140 DENIAL OF LICENSE****84140**

- (a) In addition to Section 80040, the following shall apply.
- (b) An application shall be denied if it is determined that the applicant has not been certified by the Department of Mental Health as specified in Section 84118(b).
 - (1) A single proceeding to hear an appeal for denial of an application will be held jointly with the Department of Mental Health and conducted by the Department.

NOTE: Authority cited: Section 1530 and 1530.9, Health and Safety Code. Reference: Sections 1520 and 1525, Health and Safety Code; and Section 4094(b), Welfare and Institutions Code.

84142 REVOCATION OR SUSPENSION OF LICENSE**84142**

- (a) In addition to Section 80042, the following shall apply.
- (b) The Department shall suspend or revoke the license of a community treatment facility upon written notification from the Department of Mental Health that the facility's certification has been revoked or suspended.
 - (1) A single proceeding to hear a revocation or a temporary suspension action will be held jointly with the Department of Mental Health and conducted by the Department.

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Sections 4094(b) and (c), Welfare and Institutions Code.

84145 EVALUATION VISITS**84145**

- (a) The Department shall notify the Department of Mental Health when there is reasonable cause to believe that a community treatment facility is not in compliance with program standards as specified in the California Code of Regulations, Title 9, Chapter 11, Articles 5 and 6.

NOTE: Authority cited: Sections 1530 and 1530.9, Health and Safety Code. Reference: Section 4094(c)(4), Welfare and Institutions Code.

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